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Astronomical.

Astronomical observations and experiments, selected for the purpose of ascertaining the relative distances of clusters of stars, and of investigating how far the power of our telescopes may be expected to reach into space, when directed to ambiguous celestial objects. By Sir Wm. HERSCHELL, Knt. Guelph. LL.D. F.R.S.—London; Feb. 1819.

(With an Engraving.—Plate XVIII.)

In my last paper on the local arrangement of the celestial bodies in space, I have shown how, by an equalization of the light of stars of different brightness, we may ascertain their relative distances from the observer, in the direction of the line in which they are seen; and from this equalization, a method of turning the space-penetrating power of a telescope, into a gradually increasing series of gaging powers has been deduced, by which means the profundity in space, of every object consisting of stars, can be ascertained, as far as the light of the instrument which is used upon this occasion will reach.

In order to represent the profundity of celestial objects in space, I shall have recourse to the construction of an astronomical globe, on the surface of which the situations of the heavenly bodies are pointed out to us in the given two dimensions of right ascension and polar distance; but, as their distance from an eye placed in the centre of the globe cannot be expressed by their situation on the surface, I shall endeavour to show that this deficiency may be artificially supplied in a figure representing such a globe, by the addition of lines that are of a length which is proportioned to the diameter of it.

It has been shown in my last paper, that all the stars which may be seen in the clearest nights, are probably contained within a globular space, of which the radius does not exceed the 12th order of distances; I shall, therefore, suppose the circle (C) in the centre of the figure* to represent a celestial globe, containing all the stars that are generally marked on its surface; their arrangement within this globular space, however, must be supposed to be according to their order of distances, the stars of the first order being placed nearest the centre, and those of the 2d, 3d, and 4th, &c. gradually farther off; but they must all be placed in their well ascertained directions, so that a line from the centre drawn through any one of them may come to the surface at the place where its situation is marked.

According to this assumption it follows, that all those celestial objects which are farther than the 12th order of distances from the centre, must be represented as being at the outside of the globular space; but, as our celestial globes represent not only the situation of the stars of the heavens, but give us also many additional objects, such as clusters of stars, nebulae, and the milky way, it is evident that the point where the line of sight, from the centre to any one of these distant objects, leaves the surface of the globular space, is ascertained; and, since any celestial object not inserted on our globes, of which the right ascension and polar distance are given, may be easily added, the position of the visual ray directed to such an object will thereby also be determined.

* This Engraving contains but a third of the space represented in the Plate in the Transactions of the Royal Society; but it is sufficient to show the nature of Sir William's principle, and its application to a considerable number of stars.

In my last paper I have drawn the attention of astronomers to the condition of the milky way, as being the most brilliant, and beyond all comparison the most extensive sidereal system; and have also shown, that the globular space containing all our visible stars, is situated within its compass; I shall therefore now make the plane of it the principal dimension of my figure; then if the line (a b) represent this plane, a perpendicular drawn from the centre (C) of the figure to (d) and to (e), will be directed towards the north and south poles of it, and the situation of the globular space in the figure will be like that of a celestial globe adjusted to the latitude of thirty degrees, having the milky way in the horizon, the 90th degree of right ascension in the meridian, and the sixtieth degree of north polar distance in the zenith.

From this description of the arrangement of the stars within the globular space, and its situation in the plane of the milky way, it is evident that, having already an expression for the position of a celestial object in two dimensions, the addition of the third, which is its profundity or central distance, may be represented by a line of a length that is proportional to the diameter of the globular space; and, if this line be a continuation of the direction in which the object is seen from the centre, its termination will show the real place of the object, and point out its situation with respect to the great sidereal stratum of the milky way.

The following table is the result of a set of calculations made for the purpose of obtaining the above-mentioned particulars:

Clusters of Stars taken from the *Connoissance des Temps*.

Profundity.	Elevation.	Profundity.	Elevation.
2 ... 243 ...	35' 29' S.	34 ... 144 ...	13 48 S.
3 ... 243 ...	78 29 N.	35 ... 144 ...	3 13 N.
5 ... 243 ...	45 36 N.	53 ... 243 ...	77 58 N.
10 ... 243 ...	22 11 N.	67 ... 144 ...	31 44 N.
11 ... 141 ...	3 10 S.	68 ... 344 ...	34 19 N.
12 ... 186 ...	25 26 N.	71 ... 243 ...	4 10 S.
13 ... 243 ...	41 19 N.	72 ... 243 ...	32 53 S.
15 ... 243 ...	26 38 S.	74 ... 243 ...	43 53 S.
30 ... 344 ...	47 26 S.	79 ... 344 ...	29 25 S.
38 ... 344 ...	20 25 S.	92 ... 243 ...	35 33 N.

Sir William's table contains double the number, and extends to a profundity of 950 and 980!

The first column points out the class and number, where the clusters taken from my catalogues are to be found.

The second column, contains the distance of the same cluster from an eye placed in the centre of the globular space, the profundity of which is 243, as determined by the observations that have been given.

The third column gives the angle of elevation of the cluster, which in the present instance is 76° 58' above the northern plane of the milky way.

The profundity of the cluster, as has already been noticed, is expressed by the continuation of the line of elevation to 243, such parts as the radius of the globular space contains 12; and it may not be amiss, by way of assisting our conception of the vast distance of the situation at which this cluster is placed, to state, that, if a line directed to it were added to an eighteen-inch globe, supposed to contain all the visible stars of the heavens, its length to express this distance would be above fifteen feet.

When the nature or construction of a celestial object is called ambiguous, this expression may be looked upon as referring either to the eye of the observer, or to the telescope by which it has been examined.

If a cluster of stars in a very small telescope, will appear like a star with rather a larger diameter than stars of the same size generally have, we shall certainly be authorized to conclude, that an object seen in a larger and more perfect telescope as a star with rather a larger diameter, is also an ambiguous object, and might possibly be proved to be a cluster of stars, had we a superior instrument by which we could examine its nature and construction.

This seems to throw some light upon a species of object called stellar nebulae, one hundred and forty of which have been inserted in my catalogues. For, as it has just been mentioned that a ten-foot telescope may become a finder to a twenty-foot one, the twenty-foot telescope itself will be but a finder to objects that are so far out of its reach as not to appear otherwise than ambiguous; nay, the forty-foot telescope, when it is but just powerful enough to show the existence of an object which decidedly differs from the appearance of a star, may then truly be called a finder.

Celestial objects can only be said to remain ambiguous, when the telescopes that have been directed to them, leave it undetermined whether they are composed of stars or of nebulous matter.

In ten observations the gages applied to the milky way were found to be arrested in their progress by the extreme smallness and faintness of the stars; this can, however, leave no doubt of the progressive extent of the starry regions; for, when in one of the observations a faint nebulousity was suspected, the application of a higher magnifying power evinced, that the doubtful appearance was owing to an intermixture of many stars that were too minute to be distinctly perceived with the lower power; hence we may conclude, that when our gages will no longer resolve the milky way into stars, it is not because its nature is ambiguous, but because it is fathomless.

In the depth of the celestial regions, we have hitherto only been acquainted with two different principles,—the nebulous and the sidereal. The light of the nebulous matter is comparatively very faint, and, except in a few instances, invisible to the eye. It is also in general widely diffused over a great expanse of space, in which by an increase of faintness, it generally escapes the sight: the light of stars, on the contrary, is comparatively very brilliant, and confined to a small point, except when many of them are collected together in clusters, when their united lustre sometimes takes up a considerable number of minutes of space; but in this case the stars of them may be seen in our telescopes; and by the observations that have been given, it appears, that when they are viewed with instruments gradually inferior to those which prove them to be clusters of stars, their diameters, seen with less light and a smaller magnifying power, are generally contracted; a globular cluster is reduced to a cometic appearance; to an ill-defined star surrounded by nebulousity, and to a mere small star with rather a larger diameter than stars of the same size generally have.

In consequence of these considerations, it seems to be highly probable that some of the cometic, many of the planetary, and a considerable number of the stellar nebulae, are clusters of stars in disguise, on account of their being so deeply immersed in space, that none of the gaging powers of our telescopes have hitherto been able to reach them. The distance of objects of the same appearances, but which are of a nebulous origin, on the contrary, must be so much less than that of the former, that their profundity in space may probably not exceed the 900th order.

The method of equalising the light of stars on which the gaging power of telescopes has been established, may also be applied to give us an estimate of the extent of their power to reach ambiguous celestial objects.

When the united light of a cluster of stars is visible to the eye, there will then be a certain maximum of distance to which the same cluster might be removed, so as still to remain visible in a telescope of a given space-penetrating power; and, if the distance of this cluster can be ascertained by the gaging power of any instrument that will just show the stars of it, the order of the profundity, at which the cluster could still be seen as an ambiguous object, may be ascertained by the space-penetrating power of the telescope, through which it is observed. But as the aggregate brightness of the stars depends entirely on their number and arrangement, this method can only be used with clusters of stars that have been actually observed.

Another Sacrifice.

To the Editor of the Calcutta Journal.

SIR,

I am concerned to state the recent recurrence at this Station, of one of those terrific instances of fanaticism, which although they are, (as far as I can learn) unauthorized by any positive tenets of their religion, are too frequent among the natives of this benighted country, I allude to the ceremony of a *Suttee Bhud*.

I perused with inexpressible delight, a Letter inserted in your Journal of the 16th ultimo, signed "PHILANTHROPOS" hoping it might attract the attention of those, who, if the assertion made in a note to that Letter be correct, that "the Sacrifice is unauthorized by any but British Law" have I trust the power, and I should, for the honor of humanity, have expected the will, to curb so prejudicial and terrific a practice.

In the present instance I personally attended the dreadful ceremony I now bring to your notice, in the hope of witnessing, and if necessary assisting at, any endeavor that might be made on the part of the European power, to persuade the deluded victim from such useless sacrifice; but, great was my astonishment and disappointment, to find no effort whatever made by those whose "words might have weight."

Only one European spectator besides myself was present! From what I saw of the transaction after the corpse of the husband, and the destined victim, had arrived at the edge of the Ganges, I am persuaded in my own mind, that deleterious drugs had been previously used, and were subsequently repeated, to reduce the unfortunate woman to a state of apathy; which, added to the noise of their gongs and cries and shouts of the Bramins, should deprive her of all energy to attempt an escape on the first suffocating and painful attacks of smoke and flame.

I expect it will be said, that it is impossible to preserve human life against the will of the possessor; and that neither power nor ability can devise effectual remedies for self-murder, or a barbarous fanaticism; yet, however unhappily true this may be, I think public exhibitions of self-destruction might, and should be checked, to prevent that callosity of mental feeling which naturally attends their frequency.

The wretch who has danced "with delight" round a *Suttee*, will, should passion or interest incite him, be equally hardened to the perpetration of murder on his master or his friend!—at least, the fear of punishment, not the detestation of cruelty, is his only restraint.

Mirzapoor, Aug. 15, 1819:

A SUBSCRIBER.

* "The poor man's advice has no weight, and his words are not heard."

Proposed Publication.

To the Editor of the Calcutta Journal.

SIR,

As the want of a true explanation to a great number of passages in Scripture leads many to errors, doubts, superstition, &c. I would beg leave to suggest to the Religious Public, the necessity and utility of a Periodical Publication, to be entitled "The Theological Repository," by which means controversial points, and abstruse passages in Scripture, would be rendered clear, and susceptible of being understood by all classes.

This Work should be a receptacle for Questions, Criticisms, Observations, &c. connected with Religious subjects, to which may be added quotations from authors on the subjects proposed for explanation.

To this Repository all persons should be invited, and encouraged, either to propose or propound Questions, &c.

The Director of this Work should not be allowed either to reject, retrench, or embellish any Communication with which the Repository may be favored, in order to preserve the originality of such Communication.

One Number to be published monthly, and the profits arising from the sale and subscription to the Work (which should not exceed Eight Annas per Copy,) should be exclusively appropriated to the support of Widows and Orphans of persons engaged on the Mission in this country.

AN ADVOCATE FOR THE CHRISTIAN RELIGION.

Sir Samuel Romilly.

(From the XXVth Number of the *British Review*, for Feb. 1819.)

If we were to say what manner of man Sir Samuel Romilly has appeared to us to be, we should not give him the appellation of *great*. That epithet seems to us to be due only to a combination of qualities which does not appear to have existed in the person of that able politician and lawyer. A star he was, but one of the second magnitude. While the great lights which threw their radiance upon the years that finished the last, and ushered in the new-born century, were in being, Sir Samuel was not computed among the number of those rare persons whose intellects raised them so decidedly above the rest of their species: whose original genius forced its audacious way beyond the ancient landmarks of human wit; and whose speeches, ill preserved as they are, are still the repositories of great intellectual treasure. When we listened to the pathos and splendour of Mr. Burke, and witnessed with conscious intellectual expansion, with a sort of serious rapture, with a profound delight, his philosophical and figurative eloquence, filled from every foundation of knowledge, and refulgent with all the beauties of imagination and expression, we felt that he was *great*. We have heard Mr. Pitt, when, in his summer strength, and holding the trident of the British empire firm in his grasp, he maintained the principles on which the glory of his country rested against the threatenings of revolutionary violence; contending with untried speculations in government, and new problems in human affairs; expounding the strange aspects of the political world, and reducing new cases within the constant laws of a never antiquated jurisprudence, and we felt that he also was *great*. When we contemplated the gratuitous endowments of Mr. Fox's mind, its exhaustless abundance, its rapid facility, mastering, without preparation or effort, questions the most complicate and momentous, passing without difficulty through all the labyrinths of political discussion, pressing on with confident security and careless grandeur to his object, certain of his aim in the midst of commotion and storm, for ever in the same accusing strain, but for ever returning to the charge with fresh supplies of native strength; always accomplishing the expectations of his party, and always compelling the admiration of his adversaries, we saw in him the same pretensions to be denominated *great*:

Οὐ γὰρ αὖ τοῖς ἰσὺς ἀνέκας οὐδὲ ἰδομέναι.

But these altitudes were not attained by Sir Samuel Romilly. He was an indefatigable man of business, with clear views, and a correct judgment; commanding a copious, manly, and perspicuous style of oratory, seldom brilliant, but often powerful, acute, and severe. His manner, both in the House of Commons and at the bar, was spirited but not sparkling, vigorous rather than vivacious, penetrating rather than persuasive. He disdained to be an actor where he could not be a victor, and was above all low and little arts to purchase popularity. He was altogether above the element of the party in which he moved. For a scholar, his mind seemed less rich in classic illustration and ornament than might have been expected; but then in compensation, it was free from all affected passion, spurious pathos, and ambitious point; and if the recesses, the groves, the fountains, and divinities of the classic world afforded him but little aid, he had much of its moral prudence, its masculine virtue, and its treasures of thought.

If he was without that intuitive strength, and natural majesty, which mark the sentiments and expressions of great men, he was at the same time above all the stratagems of wit, the pretence of feeling, the puerility of display, which characterise all the successful mediocrity of the bar and the senate. He was certainly endowed far above most of the public men of these latter times, with a native soundness of intellectual constitution; and if his mind had neither flowers on its surface, nor gold in its interior, it was at any rate furnished with what is better for use than either flowers or mines—a generous soil, rewarding the labour of cultivation with the means of subsistence and growth. His eloquence took an aim above the artifices of rhetoric. It was full of sincere feeling and manly counsel, looking right on to the sober and serious purposes of utility. And after all, it was perhaps, in the present circumstances of this country, the only sort of eloquence which can invest the British statesman with permanent influence. Popular oratory has been cheapened and abused, till it has become so suspected, that general eloquence, to redeem its power, has been forced to call to its aid, the weight of character and the attraction of truth. No man has had more of this assistance than Sir Samuel Romilly. He was, painful as it is to confess it, a party man; tainted too, more pain-

ful still as it is to declare it, with the modern tenets of the Genevan school. But with all this, he was a high-minded man, half disdainful of the idiom and creed and cant of his own party, as far as one can judge from the indications of his general deportment; and though something of personal animosity and spleen has occasionally marked his oratorical invectives against those to whom he was politically opposed, something more perhaps than can be fairly put to the account of parliamentary jealousy, yet let it not be forgotten, that if he was at times capable of embarrassing government from party motives, he was never capable of inflaming the people out of disaffection towards the state.

Towards his own party he carried himself with immaculate honour, and at the same time with the dignity of independence, disdaining to betray to them that government of whose imputed misconduct he was a stern reprobator. His morality, however, was not precisely to our taste, any more than his politics. It was ethical rather than scriptural, with great rectitude of feeling, but without a certain unction with which our minds cannot dispense; in which observation we desire to be understood as referring only to the signs and indications which develop to the public, a public man. "He can't be wrong whose life is in the right," is a sound and holy maxim, if by "right" is meant "right" in the eyes of God; but if by "right" is meant that which is so in human judgment, it is destructive and impious nonsense.

There is no morality which we can be assured is "right," unless it be Scripture-built; and then we know it is right, because He who cannot be wrong has pronounced it so. The morality that wants this stay will always want consistency: and thence it is, that the party with which Sir Samuel Romilly has been content to act, while with efforts truly laudable they have pleaded against the horrors of the slave-trade, and with more ambiguous honesty have advocated liberty at home, have looked with complacency upon the sanguinary despotism, and all the other wrongs of bleeding humanity, inflicted by the sword of that criminal exile, who expiates towards man but a small part of his injury by passing his days in degradation and despair.

But the great distinguishing act of Sir Samuel Romilly's life was his useful labour in the reform of the criminal law. The ferocious and clumsy method of repressing crime by multiplying sanguinary punishments without regard to the proportions which the first principles of justice require, and without respect to the actual state of society, its manners and its moral feelings, the general impracticability of executing such laws through the medium of juries, their inefficacy when carried into execution, the subtleties and the violations of oaths resorted to for avoiding such necessity, the invitation to crime resulting from the hope thus held out of impunity, and the cruelty of tampering with human life, or leaving it to the arbitrary disposition of an individual, and thereby producing a sort of complexional uncertainty in criminal justice, appear to Sir Samuel Romilly to call imperiously for reformation; and we quite agree with Mr. Belsham that, considered with reference to this object alone, the death of this eminent and upright man has been a very serious loss to the nation. His "Observations on Criminal Law," published in the form of a pamphlet, and containing the substance of a speech delivered in the House of Commons on the 9th of Feb. 1810, are not easily answered, except in the way in which they were generally met by that body of persons whose maxim it is to change nothing in our civil or ecclesiastical state, and whose inflexible resistance to all innovation may, one day or other, so irritate common sense and right moral feeling, as to make them pass their proper bounds in accomplishing that which should have been the result of following nature in her progress through the stages of human improvement.

The futility and folly of these violent enactments are made very apparent in this sensible and candid performance; and one is really humbled by the reflection that the writer should have felt himself called upon to refute an opinion, that these sanguinary laws were never designed by their framers to be strictly executed, being intended only "to stand as objects of terror in our statute book, and to be called into action occasionally only, and under extraordinary circumstances, at the discretion of the judge." This is well answered by the writer, who, by a comparison of the present proportion of the number executed to the number convicted, with the like proportions as they stand in former periods of our history, plainly enough establishes, that this state of things is not the effect of design, but of that change which has slowly taken place in the manners and character of the nation, which are now so repugnant to the spirit of these laws, that it has become impossible to carry them into execution.

"What has been the number of persons convicted of those offences within the last seven years does not appear; but from the tables published under the authority of the Secretary of State, we find that within that period there were committed to Newgate for trial charged with the crime of stealing in dwelling houses, 599 men and 414 women; and charged with the crime of shop-lifting, 506 men and 353 women; in all 1,872 persons, and of these only one was executed.

"In how many instances such crimes have been committed, and the persons robbed have not proceeded so far against the offenders as even to have them committed to prison: how many of the 1,872 thus committed were discharged, because those who had suffered by their crimes would not appear to give evidence upon their trial; in how many cases the witnesses who did appear withheld the evidence that they could have given: and how numerous were the instances in which juries found a compassionate verdict, in direct contradiction to the plain facts clearly established before them, we do not know; but that these evils must all have existed to a considerable degree, no man can doubt." (Observations, p. 10, 11.)

These sanguinary laws against offences to which they are so manifestly disproportionate, are for the most part now so seldom enforced as to be looked upon as designed only to terrify, by the fearful possibilities they hold out, and to mark the fatal verge within which a judge's discretion may be exercised. And as this discretion is exercised under various impressions, produced by temper, time, and circumstances, it follows that the administration of criminal law must be left in a state of great uncertainty. Sir Samuel Romilly has exposed, with a most satisfactory clearness of reasoning and illustration, the mischievous consequences of these uncertainties. He has well shown how much it tends to mix speculation with crime; to induce a calculation, first upon the chances of complete impunity, and then upon the probabilities of escaping, after conviction, a severe punishment; that adventurous spirits, especially those of daring and desperate habits, are attracted rather than deterred by the portion of risk which accompanies a criminal enterprise, and are apt to find something seducing in what they "accustom themselves to consider as the lottery of justice."

That the certainty of punishment is much more efficacious than any severity of example, for the prevention of crimes, is a maxim so well grounded on observation and experience, that very few are disposed to deny it; and it is difficult to contest the truth of the cecillary, that, if it were possible so to provide that punishment should inevitably follow the commission of a crime, the degree of that punishment might in almost all cases be greatly diminished without reducing its efficacy below the point of preventive terror.

We entirely agree that it would be more rational and expedient that the judges should have vested in them an original, substantive, and ordaining power, of proportioning the punishment to the offence, under all the circumstances of the case, direct and collateral; than only the power of relaxing a fixed punishment in favour of the convicted offender. Such an original power would draw after it the whole weight of responsibility, and must be exclusively exercised by the judges; whereas while capital punishments are annexed to offences for which they seldom if ever are inflicted, but which are still liable to be inflicted, the law is taken virtually into the hands of those to whom it cannot be, with equal safety, entrusted—of prosecutors, of juries, and of witnesses, by the exercise not of a legitimate discretion, but by desertion of duty, or the violation of oaths.

"Too high a sense cannot be entertained of the sacredness of an oath, and of the importance of the judicial office; and the most fatal consequences may be dreaded from accustoming jurymen to consider these matters with the profane levity with which their practice proves that they regard them. Ever since the passing of the acts, which punish with death, the stealing in shops, or houses, or on board ships, property of certain stated values, juries have, from motives of humanity, been in the habit of frequently finding by their verdicts, that the things stolen were worth much less than had been clearly proved. It has been held, indeed, by some of the judges (but certainly not by all of them, or at least not upon all occasions), that juries in favour of life, may fairly, in fixing the value of the property, take into their consideration the depreciation of money, which has taken place since the statutes passed. "That juries," says Mr. Justice Blackstone, "should bring in, larceny to be under the value of twelve pence, when it is really of a much greater value, is evidently justifiable and proper, when it only reduces the present nominal value of money to its ancient standard." The solidity of this may well be doubted, but admitting it to be just,

still, unless tables were constructed for the use of juries, showing the comparative values of money at different periods, a more unsafe and uncertain rule could hardly be laid down, than this of estimating property according to its value at some remoter period of our history. Even to those to whom such inquiries are familiar, it might be difficult on a sudden to make such an estimate, with the accuracy which the importance of the occasion requires; but to men of the habits and pursuits of those, from amongst whom jurymen are usually selected, it must be quite impossible. In producing instances, however, of the extent to which juries have endeavoured by their verdicts to correct what they feel to be great imperfections in our law, it will be expedient to recur to times, in which this principle cannot be resorted to, in justification of their conduct.

The year 1731-2, which is the earliest date of any trials for these offences, that I happen to have met with, was only thirty-two years after the act of King William had passed, and only sixteen after that of Queen Anne, and during that period there had been scarcely any sensible diminution in the value of money. Yet we find from the sessions papers that, of thirty-three persons indicted in this year at the Old Bailey for stealing privately in shops, warehouses, or stables, goods to the value of 5s. and upwards, only one was convicted, twelve were acquitted, and twenty were found guilty of the theft, but the things stolen were found to be worth less than 5s. Of fifty-two persons tried in the same year at the Old Bailey, for stealing in dwelling houses, money, or other property, of the value of 40s. only six were convicted; twenty-three were acquitted, and twenty-three were convicted of the larceny, but saved from a capital punishment by the jury stating the stolen property to be of less value than 40s. In the following years the numbers do not differ very materially from those in the year 1731.

Some of the cases which occurred about this time are of such a kind, that it is difficult to imagine by what casuistry the jury could have been reconciled to their verdict. It may be proper to mention a few of them.—Elizabeth Hobbs was tried in September 1732, for stealing in a dwelling house one broad piece, two guineas, two half-guineas, and 44s., in money. She confessed the fact, and the jury found her guilty, but found that the money stolen was worth only 39s. Mary Bradley, in May 1732, was indicted for stealing in a dwelling house, lace which she had offered to sell for twelve guineas, and for which she had refused to take eight guineas; the jury, however, who found her guilty, found the lace to be worth no more than 39s. William Sherrington, in October 1732, was indicted for stealing privately in a shop, goods which he had actually sold for 14. 5s. and the jury found that they were worth only 4s. 10d.

In the case of Michael Allon, indicted in February 1733, for privately stealing in a shop forty-three dozen pairs of stockings, value 3l. 10s.; it was proved that the prisoner had sold them for a guinea and a half, to a witness who was produced on the trial, and yet the jury found him guilty of stealing what was only of the value of 4s. 10d. In another case, that of George Dawson and Joseph Hitch, also indicted in February 1733, it appeared that the two prisoners, in company together at the same time, stole the same goods privately in a shop, and the jury found one guilty to the amount of 4s. 10d. and the other to the amount of 5s.; that is, that the same goods were at one and the same moment of different values. This monstrous proceeding is accounted for by finding that Dawson, who was capitally convicted, had been tried before at the same sessions for a similar offence, and had been convicted of stealing to the amount only of 4s. 10d. The jury seem to have thought, that having had the benefit of their indulgence once, he was not entitled to it a second time, or in other words, that having once had a pardon at their hands, he had no further claims upon their mercy.

The reason has been already given, why, in selecting these examples, recourse has been had to time so long past. It would not be difficult to mention very recent instances of as merciful but as flagrant a violation of their oaths by jurymen, as those that have been here recited. So late as in December 1808, a woman of the name of Bridget Mackallister, was indicted at the Old Bailey, for stealing a ten pound Bank of England note in a dwelling house. The fact was clearly proved, and the jury convicted the prisoner, but found upon their oaths that the Bank Note was of the value of only 39s." (Observations on the Criminal Law of England, by Sir S. Romilly, 3d edit. p. 82.)

Where the discretion of the judge is not in this way anticipated, the stated penalty of the law is generally modified with a regard to circumstances which operate in extenuation or aggravation, but constitute ostensibly no part of the guilt; so that the real ground of the punishment or impunity, the execution or the relaxation of

the sentence, is never known to the public, who see the same offence sometimes visited with the *ultimum supplicium*, and sometimes not visited at all. And thus for the purpose of prevention by the terror of example (the proper end of punishment), the strict execution of the sentence is of little avail. This salutary effect could only be so provided for by requiring the judge to add to his sentence a declaration of the reasons that moved him in the particular case to let the law fall with all its weight upon the criminal; by which the end might be answered of deterring others from the particular offence so made up of circumstances and coincidents: and this the judge would certainly be bound to do if the punishment emanated from his discretion, and not from the appointment of the law.

But the most constitutional objection to the present loose texture of the criminal law in relation to this subject, is its limitation of the rights of juries. For if judges constantly leave for execution an offender convicted of a capital offence, if accompanied by certain circumstances of aggravation, the crime so characterized becomes in effect a distinct offence, not by the law of the land, but by the law of judicial discretion. The jury have nothing to do with this discretion. The circumstances of aggravation are immaterial to the verdict they are to pronounce. The punishment of the offender is therefore in these cases decided by testimony as it affects the mind of the judge, not that of the jury, who can only determine between absolute impunity and extreme justice, leaving the discretion of the bench to float at large in the intermediate space.

By this proposal of certainty in the sentence and execution of the law, is intended the appointment of stated penalties to specified offences to follow with inevitable certainty, save where the King's prerogative interposes its mercy: but Sir Samuel, in what has been published of his researches or opinions, has not carried his schemes or proposals so far as to develop any principle for ascertaining the extent to which this judicial certainty can be carried (for it is quite clear that it is a plan which must necessarily give room for many deviations, and stop very far short of universality), or to suggest any scale of proportions between crimes and punishments, or even to propose any rules for classing and distributing offences. These are subjects of great labour, difficulty, and caution; of which Sir Samuel Romilly had a full contemplation; and there is reason to hope that the subject will receive great additional information and assistance concerning this most important of all political inquiries from the papers in the hands of his executors.

In the mean time, certain propositions, of great importance as a foundation for inquiry, are either involved in, or clearly deducible from the "Observations" which we have been considering. They have given us the best reasons for requiring the laws which affect the life or liberty of the subject to be as free from obscurity, and as open to the understanding and observation of the people at large, as their necessary multiplicity will allow; and that the criminal quality of action should in every case, as far as can be provided, be determined by the invariable voice of the law, rather than by the application of any personal discretion, however high the authority to which it is attached, in order that, as far as may be practicable, every person may be able to calculate the amount of temporal evil to himself attending the commission of every crime; which evil should in each case be made to outbalance the advantage expected from the act of transgression, of which it is the sure and regular effect. Where the same crimes are punished at different times in very various measures, not only do the chances and odds of justice become matter of speculation to the vicious, and encouragement to the adventurous; but the moral end of punishment is defeated, and the very ideas themselves of virtue and vice become vague and confused. In this manner the law becomes a snare rather than a terror, and is itself criminal in creating many of the crimes which it punishes.

It is also in another view directly chargeable with the creation of crime, when, by annexing an equal penalty to crimes very different in their degrees of guilt or injury to society, it induces a natural preference of that which carries the injury furthest. The end of all punishment, politically speaking, is prevention of crime, as to the offender, from further injury to society; as to others, from committing the like offence: and all beyond this has no warrant in principle or necessity, and is therefore an usurpation of power. To avoid the temptation to excess, and the danger of disproportion and disturbance, the measure which the law has appointed should be certain in the administration. If the punishment is obviously an evil of greater magnitude than the advantage expected from the crime, it can be only the hope of escape, encouraged by examples of impunity, which

can determine the choice on the side of transgression. This may be miscalculation, and often is; but the great object should be to shut out calculation altogether, by destroying, as far as possible, the chance of escaping either detection or punishment. Excessive punishment produces impunity, being against the order of nature. The legislation that upholds it, upholds it only in name, unless the claims of humanity and reason are sunk in the torpor of despotism.

These are the leading maxims which may be collected from the published Observations of Sir Samuel Romilly upon the Criminal Law of England; which can certainly be regarded as nothing more than a development of the general principles of a proposed reform in a branch of the law, which, instead of participating in the general improvement, has, it must be owned, in some instances, proceeded in a perverse opposition to the reason, the feelings, and the experience of mankind. It is impossible, however, not to perceive that these principles might easily be pushed to an extravagant and dangerous excess; and it is but justice to the author of the "Observations," to remark not only that he has introduced them without any metaphysical refinement, but that he has both in his text and in his note admitted the impossibility of making any near approach to a perfect scale of proportionate punishment, or of excluding altogether the exercise of judicial discretion. That our readers may have some notion of the limit to which he confined himself in reducing the law to certainty in respect to the punishment of offences, we will extract from his pamphlet the following note, which he has added in explanation of his theory, if so it is to be called.

"The author of these Observations has been represented as an enemy to all exercise of discretion in judges, and as recommending that in all cases the precise punishment appointed for each offence in its exact gradation of guilt, should be marked out by the law. That this however is not the author's system, is sufficiently apparent from the bills which he brought into parliament, and which invested the judges with a large discretion, as to the degree of punishment to be inflicted for each offence; but there is a difference between intrusting the judges with the power to determine the degree in which the same species of punishment may be inflicted, and leaving it dependent on their will whether the offender shall be put to death, or shall only suffer a six months' imprisonment. Mr. Justice Blackstone indeed tells us, that 'it is one of the glories of our English law, that the species, though not always the quantity, or degree of punishment, is ascertained for every offence, and that it is not left in the breast of any judge, or even of a jury, to alter that judgment which the law has beforehand ordained for every subject alike, without respect of persons.' Com. vol. iv. p. 377. And yet with what truth can it be said that the species of punishment is ascertained for every offence, when in so great a number of felonies it remains in practice with the judge to say whether the criminal shall suffer death, transportation, or imprisonment; or how indeed can this praise be justly bestowed on our constitution, even in theory, when for the crime of libel and for some other misdemeanours it rests by law entirely with the judges to determine whether conviction shall be followed by a punishment which stamps with infamy, or with one to which no dishonour whatever is attached. But it is difficult for those who are solicitous to applaud every thing which they find established to be always consistent with themselves. Dr. Paley, who in the passage commented on, in this tract is a strenuous advocate for an ample discretionary power in judges, has upon another occasion observed, that 'forasmuch as the ultimate sanctions of human laws are to be dispensed by fallible men, the safety as well as the liberty of the subject requires that discretion should be bound down by precise rules both of acting and judging of actions.' Assize Sermon preached at Durham, July, 1795. (Observations, p. 102, 103.)"

For ourselves we feel it impossible not to declare our conviction that the criminal law of England is in a state imperiously to call for revision. Sanguinary statutes, operative only in deforming our jurisprudence, and investing judges with a discretion never originally intended, but rendered necessary to supply the void left by a nugatory severity, cannot be suffered to remain standing amidst the general stir of education and improvement. So many of our statutes have been made in particular and temporary exigencies, in moments of excited public feeling, and transient fits of legislation, with so little regard to system or proportion, and so little consultation of the connexion between law and natural sentiment, that every motive of policy, justice, and decency, appear to demand that what was begun by Sir Samuel Romilly with so much zeal and prudence should be so proceeded in as to become, by its completion, the fairest memorial of his manly and useful character.

With respect to the punishment of death, the world seems ripe for the proposition that it ought not to be inflicted where any penalty less shocking to humanity might answer the object of prevention better, or as well. And there is the problem. That there are many general objections to this last degree of suppiary justice arising out of religion, humanity, and policy, which ought to be shown to be outweighed, if not by absolute necessity, at least by the most urgent expediency, before resort is had to so revolting a remedy, will scarcely be denied. All nature is in insurrection against it; and therefore the policy that can justify it, ought undoubtedly to be of an overruling and irresistible kind to afford it a justification. We have neither room nor leisure to examine at present the arguments of those who dispute the right, as we find them generally taking that high ground of abstract disquisition on which we have a great aversion to discuss any political subject; being long ago satisfied that the doctrines of abstract right and competency are dangerous guides among the difficulties and doubts that belong to questions of practical government.

We shall not therefore inquire whether, as man has no original or natural right to take away the life either of himself or of a fellow creature, he can in his corporate or politic state acquire that right; or whether the public right, being composed only of what the individuals of which it is constituted brought into the common stock, can rise higher than its origin, or exceed in competency the separate rights which the individuals possessed before their union; or whether, the power of the whole community being made up of the sum of the particular sacrifices of the smallest part of the personal liberty of the members composing it to the common welfare, such power can include more than those who made these surrenders to create it had any right to contribute; but confining our view to the obligations of religion, humanity, and policy, we think we may safely say that the punishment of death has many evils annexed to it which render it incumbent upon a nation to adopt it with great reluctance, and only where milder expedients are found inadequate to the object of prevention.

It is certain that sanguinary executions tend to diminish the horror of homicide, to foster in the spectators habitual ferocity, and to defeat their own end as punishments by their publicity and frequency. They are, indeed, terrible as spectacles; but they are, for the most part, deficient in salutary terror. The impressions which they produce, as is the case with all violent and sudden impressions, are momentary; and if they leave any distinct sentiment at all behind them, it is usually that of disgust and indignation. To be efficacious in deterring from crime, punishment should be frequently before the eyes and in the minds of the people; but who can desire this in respect to the punishment of death? Punishments of protracted duration may safely present themselves as a constant spectacle to the community; they excite dread, not disgust; and while they deter from the commission and the contagion of crime, they produce in the spectator a mingled sentiment of pity and horror: the impressions which they create are continuous, and it is only such that have a lasting influence upon the habits and character. The habit of endurance may make the suffering gradually less severe to the criminal; and it is a principal in legal punishments which a humane people ought never to lose sight of, that they should produce as little misery to the sufferer as is consistent with the great and indispensable object of deterring others: while the very length of continuance, which habit may make the cause of diminution of pain in the criminal, augments the sympathy and accumulates the terror of those who witness the spectacle of protracted privation.

The pain of death expends all its moral, if it has any, upon the spectators, in a moment; it collects all its force into one transient shock; but the scene of continued privation and labour distributes, perpetuates, and repeats its lessons, constantly associating disgrace and loss with vice and guilt, in the minds of the community. There is no villain that dies by the hangman that may not die like a hero, if not as a martyr, in the eyes of the populace: the very pageantry that accompanies his death removes half its disgrace: the parting scene between the criminal and his friends, sheds an interest and a sort of deceitful dignity over his last moment:—the hardened look on, and become more hardened; impressible minds avoid the spectacle; at worst it is only a short exit from misery, and often regarded, in a religious view, as an expiation: but imprisonment, seclusion, low diet, and severe toil, associate nothing but humiliation and sorrow with crime; they present humanity degraded from its level by the violation of its duties, cashiered of its rights by the abuse of them, and forced upon the perpetual comparison, which the benevolent well known how to improve, of the widely different lot of innocence and depravity.

Sheridan's Dramatic Genius.

(From the Morning Chronicle.)

On the evening of Tuesday, March 16, 1816, Mr. Hazlitt closed his course of Lectures at the Surrey Institution, on the Comic Genius of England. Mr. Hazlitt's reputation as a critic stood already high with the public; but we are mistaken if these Lectures will not add to it. He displayed the same boldness and originality of thinking; the same critical acuteness, eloquence, and felicity of expression for which his Lectures on our Poets were so eminently distinguished. From the character which Mr. Hazlitt has by universal assent acquired, of being one of the ablest and most eloquent critics of our nation, (we may say of any nation) much was of course expected from the employment of his talents on a branch of literature, in which the genius of our countrymen shines perhaps with more distinguished lustre than in any other; but the warm applause which he received throughout his course from his numerous and respectable audiences, sufficiently proved, that their expectations were amply realized.

With his concluding Lecture we were particularly pleased, and we regret that our limits will not allow us to enter into any account of it. We cannot, however, deny our readers the gratification which they must receive from the following very happy account of Sheridan, in which he does justice to the great poet, whose fate he so feelingly laments, and to whose memory he endeavours to erect a durable monument:—

"Mr. Sheridan has been justly called 'a dramatic star of the first magnitude;' and indeed among the comic writers of the last century, he shines 'like Hesperus among the lesser lights.'" He has left four several dramas behind him, all different or of different kinds, and all excellent in their way—the *School for Scandal*, the *Rivals*, the *Duenna*, and the *Critic*. The attraction of this last piece is however less in the mock tragedy rehearsed, than in the dialogue of the introductory comic scenes, and in the character of Sir Fretful Plagiary, which is supposed to have been intended for Cumberland.

If some of the characters in the *School for Scandal* were contained in Murphy's Comedy of *Know your own Mind* (and certainly some of Dashwood's detached speeches and satirical sketches are written with quite as firm and masterly a hand as any of those given to the members of the Scandalous Club, Mrs. Candour or Lady Suezwell) yet they were buried in it for want of grouping and relief, like the colours of a well-drawn picture sunk in the canvass. Sheridan brought them out, and exhibited them in all their glory. If that gem, the character of Joseph Surface, was Murphy's, the splendid and more valuable setting, was Sheridan's. He took Murphy's Malvil from his lurking place in the closet, and "dragged the struggling monster into day," upon the stage; that is, he gave interest, life, and action, or in other words, its dramatic being, to the mere conception and written specimens of a character.

This is the merit of Sheridan's Comedies, that every thing in them tells;—there is no labour in vain. "They are lively, amiable, and full of vent"—His Comic Muse does not go about prying into obscure corners or collecting idle curiosities, but shows her laughing face and points to her rich treasure, the follies of mankind. She is garlanded and crowned with rose and vine leaves. Her eyes sparkle with delight, and her heart runs over with good natured malice. Her step is firm and light, and her ornaments consummate!

The *School for Scandal* is, if not the most original, perhaps the most finished and faultless Comedy which we have. When it is acted, you hear people all round you exclaiming, "surely it is impossible for any thing to be cleverer." The two scenes, in which Charles sells all the old family pictures but his uncle's, who is the purchaser in disguise, and of the discovery of Lady Teazle, when the screen falls, are among the happiest and most highly wrought, that Comedy, in its wide and brilliant range, can boast.

Besides the wit and ingenuity of this play, there is a genial spirit of frankness and generosity in it, that relieves the heart, as well as clears the lungs. It professes a faith in the natural goodness, as well as habitual depravity of human nature, and while it strips off the mask of hypocrisy, it inspires a confidence between man and man. As often as it is acted, it must serve to clear the air of that low creeping pestilent fog of cant and mysticism, which threatens to confound every native impulse or honest conviction, in the nat-

seous belief of a perpetual lie, and the laudable profession of systematic hypocrisy. The character of lady Teazle is not well made out by the author; nor has it been well represented on the stage since the time of Miss Farren.

The Rivals is a play of even more action and incident, but of less wit and satire than the *School for Scandal*. It is as good as a novel, in the reading, and has the broadest and most palpable effect on the stage. If Joseph Surface and Charles have a smack of Tom Jones and Blin in their moral constitution, Sir Anthony Absolute and Mrs. Malaprop remind us of honest Matthew Bramble and his sister Tabitha, in their temper & dialect. Acres is a distant descendant of Sir Andrew Aguecheek. It must be confessed of this author, as Falstaff says of some one, that "he had damnable iteration in him!" The *Dianna* is a perfect work of art. It has the utmost sweetness and point. The plot, the characters, the dialogue, are all complete in themselves, and they are all his own; and the songs are the best that ever were written, except those in the *Beggar's Opera*; they have a joyous spirit of intoxication in them, and a spirit of the most melting tenderness. Compare the softness of that beginning "Had I a heart for falsehood framed" with the spirited defiance to fortune in the lines—

"Half thy malice youth could bear;
And the rest a bumper drown."

It would have been too much for the author of these elegant and classic productions not to have had some drawbacks on his felicity and fame. But the applause of nations and the favour of Princes cannot always be enjoyed with impunity. Sheridan was not only an excellent dramatic writer, but a first rate parliamentary speaker. His characteristics as an orator were manly, unperverted good sense, and keen irony. Wit, which has been thought a two-edged weapon, was by him always employed on the same side of the question—I think, on the right one. His set and more laboured speeches, as that on the Begum's affairs, were proportionably abortive and unimpressive; but no one was equal to him in replying on the spur of the moment to pompous absurdity and unravelling the web of flimsy sophistry. He was the most accomplished debater of the House of Commons. His character, however, will soon be drawn by one who has all the ability and every inclination to do him justice; who knows how to bestow praise and to deserve it; by one who is himself an ornament of private and of public life; a satirist beloved by his friends; a wit and a patriot, to boot; a poet and an honest man!"

Submarine Navigation.

(With an Engraving.)

To the Editor of the Monthly Magazine.

SIR,

It is generally known, that Fulton claims not only the reputation of being the inventor of steam-packets, but that also of having improved and rendered practicable what had before been deemed an idle and visionary speculation,—the construction of boats for submarine navigation. Yet the means by which he effected this are, I think, known but to few, and the communication of them would no doubt gratify the readers of the Monthly Magazine, to whose Editor all must allow the praise of giving, in their dawn, the earliest information of new discoveries, remarkable either for ingenuity or apparent public utility. Though it cannot be unknown to most of your readers, that designs of this nature have more than once been published, by Wilkins about two centuries ago, and by others since; yet, as the treatises containing them are not in the hands of every one, and are mostly written in a dead language, which some may not understand, I will, in order to elicit information from others, who may be acquainted with Mr. Fulton's plans, beg to give, through the medium of your valuable miscellany, Borelli's contrivance, taken from his treatise, "*De motu Animalium*, Lugduni, 1685," *pars prima*, p. 280.

W. BAINBRIDGE.

"The method will be similar to the preceding one, by which a ship occupying in water a space equal to, greater, or less than, itself,* in the same manner as fishes, may either rest in the middle of the deep, descend to the bottom, or be raised to the surface. This will be done if a boat, A C E G, has the bottom, E F, pierced at N N N, and goat-skin bottles, O N, O N, &c. contained within

the boat, be fitted with the mouths downward to N; so that the orifice of each bottle be fixed to N with small nails, or with cords tightly tied round the inner projecting lips of the orifices, in order that the water, passing through the holes, may fill the cavity of each bottle, and not be able to flow or exude through the seams or interstices of the nails into the boat. Things being thus ordered, it is evident, that, when all the bottles O N, O N, contained within the cavity of the boat, are filled with water, the boat, whatever be its size, will then occupy less space in the water than it did before; and, being therefore rendered specifically heavier than water, the boat will descend to the bottom like a stone: but, if the bottles be compressed, (by the rod or lever P O, or in any other manner,) the water will be driven out of the boat through the holes N N, and, occupying a greater space in the water than before, it will pass through an equilibrium, and then remain in the middle of the water; but, if it afterwards be rendered lighter than water, it will ascend.

To such a boat, oars, as V X, may be adapted, in a double goat-skin, fastened by small nails to the lateral openings V V, and bound tightly about the oars, so as to prevent the admission of the water into the boat; which, being of little gravity in the water, may be impelled and moved forward with these, like feet, the rods of the oars resting upon the sandy bottom. Indeed, we may occasionally render the vessel lighter than water, when it ought to be raised to perform its progress.

For the transverse motion, the oars should have broad expanding ends, X Z, like the feet of geese and frogs, so as to be extended only when they drive back the water, but to be gathered and folded up when the oars are drawn back.

But perhaps the motion of the boat will be more easily effected, not by lateral oars, but by a single expanding and contracting handshaped one, placed in the prow; from the motion of which, in the same manner as fish are impelled by their tails, the vessel may advance better through the water.

Miscellaneous.

Verbal Coinage.—Within the last hundred years several very expressive words have been invented by men of genius, and of humour, which have had the effect not only of extending, but also of enriching, the English language. The Editor of the Examiner possesses this kind of talent, and is, perhaps, modestly vain of it. The following is a note upon the leading article of his Paper of the 7th March last. "A correspondent has complimented us on our Anti-Wellesleian talent at *coinage*. We know not what this involuntary touch of our mint is worth; but it would save a great deal of false talking and ideas to make use of it. Thus, in considering whether we should enter into any new expenditure, we might ask ourselves—What would be the *taxense* of it?—the taxing part being reasonably put for the whole actual burthen. Thus a man who indulged himself in too many superfluities of any sort (all commodities being taxed) would be held to be a man of shockingly *taxensive* habits; and instead of the words *public expenditure*, the country would be edified in continually hearing from the Gentlemen of the House of Commons the exact yet voluminous phrase of *public taxenditure*. The genius of the idiom is nothing, as Lord Castle-reagh could vouch for us."

Elections.—Adverting to the late Election of a Member of Parliament for Westminster, our readers may be amused with the following little anecdote of the famous Middlesex Election in the year 1777. "This county," says the Writer, "has experienced the most profligate and unprincipled exertions of the Court to destroy its right of Election. At the election in 1777, a number of miscreants, hired by the Government Candidates as constables, mounted the hustings and attempted to seize the poll-books, the popular candidate having at that time polled a considerable majority. A Mr. Clark, a young gentleman who was standing at the hustings was murdered by these miscreants. Laurence Ball, and Edward McQuirk, were apprehended for the murder and tried at the Old Bailey, when it appeared, that every thing went on with the greatest regularity, until the prisoners and others, who were hired before the Election for the pretended purpose of keeping the peace, began, in a most outrageous manner, to knock down all that came in their way. They were found guilty of the murder on the clearest evidence. These men, however, received his Majesty's free pardon!" (An account of the state of the Right of Election of Members of Parliament, &c. printed for Thomas Graham, 1818.) See the story of the whole proceedings, both ministerial and legal, in *Jenius*, who wrote some of his bitterest papers on the subject. [Examiner]

* That is, than its own weight of water.—W. B.

Choral Ode.

To the Editor of the Calcutta Journal.

SIR—Tho' I am not aware that you ever enter into the disputes that agitate the classical world, yet your Journal is a most judicious receptacle for all that is sound and solid, or elegant and tasteful, in Literature. I therefore beg to present you with the following Choral Ode, selected from Mason's Classic Drama of Caractacus. It will not certainly be new to classical scholars, and to those who have followed the usual course of College studies; but as such persons do not perhaps compose the largest portion of your readers, and as even these must still more admire, as they still more frequently read it, I shall offer no further apology for presenting to them an Ode, that was given to the world some 15 years ago.

Mason, like Milton, firmly advocated the ancient form of the Drama, and held the Chorus to be absolutely necessary to the existence of any well-constructed Play. Like Milton too, Mr. Mason advocated this side of a long disputed point by deed, as well as by word, and compiled two Tragedies, *Elfrida* and *Caractacus*, on the strict Grecian model. Both of these are first rate Plays, and are allowed, I believe, to stand without rivals in point of excellence in our language.

From the latter of them the Choral Ode beneath is taken, the substance of which rests on the mystical doctrine of the metempsychosis, a doctrine adopted by the ancient priests of Britain, the Druids, and made most powerful use of throughout the Play by Mr. Mason.

ODE.

Hark! heard ye not yon footstep dread,
That shook the earth with thund'ring tread?
'Twas Death.—In haste
The warrior past;
High tower'd his helmed head:
I mark'd his mail, I mark'd his shield,
I spy'd the sparkling of his spear,
I saw his giant arm the falchion wield;
Wide wav'd the bick'ring blade, and fir'd the angry air.
On me (he cry'd) my Britons, wait,
To lead you to the field of fate
I come: yon car,
That cleaves the air,
Descends to throne my state:
I mount your champion and your God.
My proud steeds neigh beneath the thong;
Hark! to my wheels of brass, that rattle loud!
Hark! to my* clarion shrill, that brays the woods among!
Fear not now the fever's fire,
Fear not now the death-bed groan,
Pangs that torture, pains that tire,
Bed-ridden age with feeble moan:
These domestic terrors wait
Hourly at my palace gate;
And when o'er slothful realms my rod I wave,
These on the tyrant king and coward slave
Rush with vindictive rage, and drag them to their grave.
But ye, my sons, at this high hour
Shall share the fulness of my power:
From all your bows,
In level'd rows,
My own dread shafts shall shower.
Go then to conquest, gladly go,
Deal forth my dole of destiny,
With all my fury dash the trembling foe
Down to those darksome dens, where Rome's pale spectres lie.
Where creeps the ninefold stream profound
Her black inexorable round,
And on the bank,
To willows dank,
The shivering ghosts are bound.
Twelve thousand oracents all shall swell
To full-orb'd pride, and fading die,
Ere they again in life's gay mansions dwell:
Not such the meed that crowns the sons of Liberty.

* Here one of the Druids blows the sacred trumpet.

No, my Britons! battle-slain,
Rapture gilds your parting hour:
I, that all despotic reign,
Claim but there a moment's power.
Swiftly the soul of British flame
Animates some kindred frame,
Swiftly to life and light triumphant flies,
Exults again in martial ecstasies,
Again for freedom fights, again for freedom dies.

Original.

THE STAR OF THE WEST.

There's a Star in the West, that shines lovely in light,
Through it's veil of soft azure, when evening appears;
There's an eye, at that hour,—as lovely—as bright—
That turns to its rising,—but meets it in tears.

Time was, when it's ray beam'd the signal of bliss;
When the heart throbb'd exulting to see it ascend;
When the prayer of that heart, was 'Be Heaven like this!'
In rapture—that Hope whisper'd never should end.

But swift flew those hours; and, false, with them fled
The promise of Hope;—and soon evening came on,
And that Star had departed,—the sweetness it shed,
Like it's lustre from heaven, was faded and gone,

Oh! Memory!—now the sad flat is given,
Joy's flowers all blighted, and sorrows decreed;
And the bonds of affection thus rudely are riven,
Oh! why dost thou linger and point to the deed?

That Orb now, again, through the twilight is gleaming,
But dead is the heart to the radiance it bears;
And the eye that so fondly had watch'd for it's beaming,
Now turns from the ray it in mockery wears.

— Oh! weep not, Beloved! the hour shall come,
When the prayer of that heart shall, in bliss, be possess'd;
When, bright as this planet that shines through the gloom,
Thy Spirit shall smile from the World of the Bless'd!

And the promise of Hope shall be given!—and he
Who shared in that promise, and mour'd it as gone,
Shall, in mercy, be call'd there—there, welcomed by thee,
Shall be hail'd to a heaven—for ever his own!

K.

Selected.

TRUE SORROW.

"Sure there's a lethargy in mighty woe,
"Tears stand congeal'd and cannot flow."

(From the Italian.)

Light springs the pang, light passes by,
That melts itself in tears;
The stricken spirit that can sigh,
No mortal sorrow bears.
When comes the last true agony,
The heart nor heaves, nor melts the eye!
And mine is come! no more I weep;
No more the earth's pale slave:
My sleep must be th' unawaking sleep,
My bed must be the grave,
Thro' my wild brain no longer move,
Or hope, or fear, or hate, or love,

PULCI.